

After reviewing the entire record, including the Magistrate Judge's report and recommendation, Plaintiff's contradictory and incomplete Applications for Leave to Proceed *in forma pauperis*, Defendants' Objection to Plaintiff's Motion, as well as, her failure to timely comply with the Magistrate Judge's Order, the Court hereby ADOPTS the Magistrate Judge's Report and Recommendation and ORDERS this case DISMISSED without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). By adopting the Magistrate Judge's Report and Recommendation to *sua sponte* dismiss the case for failure to prosecute, Defendants' Motion to Dismiss for Failure to State a Claim filed on March 17, 2014, is rendered MOOT.

IT IS SO ORDERED this 28th day of May, 2014.

BY THIS COURT:

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE

costs, filing fees and charges imposed by any courts pursuant to the Constitution. The AO 239 Application indicates that she is a 54 year old lady having no income, no monthly expenses, no motor vehicle, no real estate or other resources.

DE # 10 and DE #10-1. In her second application for leave to proceed *in forma pauperis*, Plaintiff indicated that she is an 81 year old who receives support from her children. Attached to the AO 239 Application is a letter that again reiterates that she is not required to pay any fees and that the Constitution renders 28 U.S.C. §1914(a) unenforceable. An Application and Affidavit do not accompany this revised entry.